

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

TRACIE L. MOORE, Ph.D.
P.O. Box 4601
Sonora, CA 95370

Psychologist's License No. PSY 12107

Respondent.

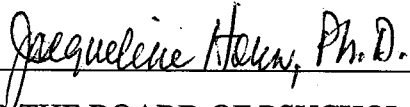
Case No. W280

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer Affairs, State of California.

This Decision shall become effective on the 12 day of May, 2005.

IT IS SO ORDERED this 12 day of April, 2005.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
Jacqueline Horn, Ph.D., President

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 BRENDA P. REYES, State Bar No. 129718
Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. W280

12 **TRACIE L. MOORE, Ph.D.**
13 P.O. Box 4601
Sonora, CA 95370

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Psychologist's License No. PSY 12107

15 Respondent.

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
18 the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board of
21 Psychology ("Board"), who brought this action solely in his official capacity and is represented in
22 this matter by Bill Lockyer, Attorney General of the State of California, by Brenda P. Reyes,
23 Deputy Attorney General.

24 2. Tracie L. Moore, Ph.D. ("respondent") is represented in this proceeding by
25 attorney Hal B. Channell, Esq., whose address is 77 Linoberg Street, Sonora, California 95370.

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3. Respondent's license history and status as set forth in Paragraph 2 of the Accusation is true and correct.

JURISDICTION

4 The Accusation in Case No. W280 was filed before the Board of Psychology, Department of Consumer Affairs, State of California. The Accusation, together with all other statutorily required documents, was duly served upon respondent on or about October 13, 2004, and respondent timely filed her Notice of Defense contesting the Accusation. An Amended Accusation was filed before the Board, was duly served upon respondent on or about February 24, 2005, and is currently pending against respondent. A true and correct copy of the Amended Accusation (hereinafter "Accusation") is attached hereto as "Exhibit A."

ADVISEMENT AND WAIVERS

5. Respondent has read and fully discussed with her counsel the nature of the charges and allegations contained in the Accusation and the effects of this Stipulated Settlement and Disciplinary Order (hereinafter “Stipulation”) upon her license.

6. Respondent is fully aware of each of her legal rights, including the right to a hearing on the charges and allegations contained in the Accusation; the right to confront and to cross-examine witnesses who would testify against her; the right to testify and to present evidence on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration, judicial review, and appeal of an adverse decision; and, any and all other rights which may be accorded respondent pursuant to the California Administrative Procedure Act (Gov. Code, § 11500, *et seq.*) and other applicable laws of the State of California.

7. With these rights in mind, respondent hereby freely, voluntarily, and knowingly waives each and every one of the rights set forth above in Paragraph 6.

ADMISSIONS

8. Respondent understands the nature of the charges and allegations contained in the Accusation and that, if proven at hearing, the charges and allegations would constitute cause for imposing discipline upon her license to practice psychology in the State of

1 California.

2 9. This Stipulation is the result of a compromise between the Board and
3 respondent. For purposes of the settlement of this action only, respondent hereby admits to the
4 truth of the allegations contained in the First Cause for Discipline of the Accusation in Case No.
5 W280, and she agrees that her license to practice psychology is therefore subject to discipline
6 under Business and Professions Code section 2960. Respondent, therefore, stipulates to the
7 jurisdiction of the Board to adopt this Stipulated Settlement as its decision in this matter and to
8 enter the following Disciplinary Order pursuant to Business and Professions Code section 2960.

9 10. Respondent agrees to be bound by the Board's imposition of discipline as
10 set forth in the Disciplinary Order below.

11 **RESERVATION**

12 11. All admissions of fact and conclusions of law contained in this Stipulation
13 are made exclusively for the purpose of settlement and compromise of this proceeding and any
14 future proceedings between the Board and respondent concerning this matter and shall not be
15 deemed to be admissions in any other administrative, criminal, or civil action, forum or
16 proceeding.

17 **CONTINGENCY**

18 12. This Stipulation shall be subject to approval of the Board of Psychology.
19 Respondent understands and agrees that Board staff and counsel for complainant may
20 communicate directly regarding this Stipulated Settlement, without notice to or participation by
21 respondent or her counsel. In the event that this Stipulation is rejected for any reason by the
22 Board, it will be of no force or effect on either party, it shall be inadmissible in any legal action
23 between the parties, and the Board shall not be disqualified from further action by virtue of its
24 consideration of this Stipulated Settlement.

25 13. The parties agree that facsimile copies of this Stipulation, including
26 facsimile signatures on it, shall have the same force and effect as the original stipulation and
27 signatures.

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1 **DISCIPLINARY ORDER**

2 14. Based upon these recitals, **IT IS HEREBY STIPULATED AND**
3 **AGREED** that the Board will issue and enter the following Disciplinary Order:

4 Psychologists's License No. PSY 12107 issued to respondent Tracie L. Moore,
5 Ph.D., is revoked. However, the revocation is stayed and respondent is placed on probation for
6 five (5) years on the following terms and conditions.

7 **A. ACTUAL SUSPENSION**

8 As part of probation, respondent is suspended from the practice of
9 psychology as of the effective date of this Decision until such time as the Psychological
10 Evaluation, the terms of which are set forth below at 14.B., is completed.

11 **B. PSYCHOLOGICAL EVALUATION**

12 Within 90 days of the effective date of this Decision and on a periodic
13 basis thereafter as may be required by the Board or its designee, respondent shall undergo a
14 psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed
15 California-licensed psychologist. Respondent shall sign a release which authorizes the evaluator
16 to furnish the Board a current DSM IV diagnosis and a written report regarding the respondent's
17 judgment and/or ability to function independently as a psychologist with safety to the public, and
18 whatever other information the Board deems relevant to the case. The completed evaluation is
19 the sole property of the Board. The evaluation should not be disclosed to anyone not authorized
20 by the Board or by court order.

21 If the Board concludes from the results of the evaluation that respondent is
22 unable to practice independently and safely, respondent shall remain suspended from practice
23 until a Board-appointed evaluator determines that respondent is safe to practice. In the event of a
24 subsequent psychological evaluation required by the Board after respondent has resumed practice
25 following the suspension ordered in 14.A., above, if the Board concludes from the results of the
26 evaluation that respondent is unable to practice independently and safely, respondent shall
27 immediately cease accepting new patients and, in accordance with professional standards, shall
28 appropriately refer/terminate existing patients within 30 days and shall not resume practice until

1 a Board-appointed evaluator determines that respondent is safe to practice. During any
2 suspension period, probation will be tolled and will not commence again until the suspension is
3 concluded.

4 If ongoing psychotherapy is recommended in a psychological evaluation,
5 the Board will notify respondent in writing to submit to such therapy and to select a
6 psychotherapist for approval by the Board or its designee within 30 days of such notification.
7 The therapist shall 1) be a California-licensed psychologist with a clear and current license; 2)
8 have no previous business, professional, personal or other relationship with respondent; and 3)
9 not be the same person as respondent's practice monitor. Frequency of psychotherapy shall be
10 determined upon recommendation of the treating psychotherapist with approval by the Board or
11 its designee; however, psychotherapy shall, at a minimum, consist of one one-hour session per
12 week. Respondent shall continue psychotherapy until released by the approved psychologist and
13 approved by the Board or its designee. The Board or its designee may order a re-evaluation upon
14 receipt of the therapist's recommendation.

15 Respondent shall execute a release authorizing the therapist to provide to
16 the Board any information the Board or its designee deems appropriate, including quarterly
17 reports of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to
18 the therapist. If the therapist determines the respondent cannot continue to independently render
19 psychological services, with safety to the public, he/she shall notify the Board immediately.

20 Respondent shall pay all costs associated with the psychological
21 evaluation and ongoing psychotherapy. Failure to pay costs will be considered a violation of the
22 probation order.

23 **C. PRACTICE MONITOR**

24 Within 30 days of resuming practice following the suspension from
25 practice, respondent shall submit to the Board or its designee for prior approval, the name and
26 qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall
27 1) be a California-licensed psychologist with a clear and current license; 2) have no prior
28 business, professional, personal or other relationship with respondent; and 3) not be the same

1 person as respondent's therapist. The monitor's education and experience shall be in the same
2 field of practice as that of the respondent.

3 Once approved, the monitor shall submit to the Board or its designee a
4 plan by which respondent's practice shall be monitored. Monitoring shall consist of a least one
5 hour per week of individual face to face meetings and shall continue during the entire
6 probationary period. The respondent shall provide the monitor with a copy of this Decision and
7 access to respondent's patient records. Respondent shall obtain any necessary patient releases to
8 enable the monitor to review records and to make direct contact with patients. Respondent shall
9 execute a release authorizing the monitor to divulge any information that the Board may request.
10 It shall be respondent's responsibility to assure that the monitor submits written reports to the
11 Board or its designee on a quarterly basis verifying that monitoring has taken place and providing
12 an evaluation of respondent's performance.

13 Respondent shall notify all current and potential patients of any term or
14 condition of probation which will affect their therapy or the confidentiality of their records (such
15 as this condition which requires a practice monitor). Such notifications shall be signed by each
16 patient prior to continuing or commencing treatment.

17 If the monitor quits or is otherwise no longer available, respondent shall
18 obtain approval from the Board for a new monitor within 30 days. If no new monitor is approved
19 within 30 days, respondent shall not practice until a new monitor has been approved by the Board
20 or its designee. During this period of non-practice, probation will be tolled and will not
21 commence again until the period of non-practice is completed. Respondent shall pay all costs
22 associated with this monitoring requirement. Failure to pay these costs shall be considered a
23 violation of probation.

24 **D. NOTIFICATION TO EMPLOYER**

25 Respondent shall provide each of her employers, where respondent is
26 providing psychological services, a copy of this Decision and the Accusation before commencing
27 employment. Notification to the respondent's current employer shall occur no later than the

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1 effective date of the Decision. Respondent shall submit, upon request by the Board or its
2 designee, satisfactory evidence of compliance with this term of probation.

3 **E. PSYCHOTHERAPY**

4 Within 30 days of resuming practice following the suspension from
5 practice, a therapist shall be selected by the respondent for approval by the Board. The therapist
6 shall 1) be a California-licensed psychologist with a clear and current license; 2) have no
7 previous business, professional, personal, or other relationship with respondent; and 3) not be the
8 same person as respondent's monitor. Respondent shall furnish a copy of this Decision to the
9 therapist. Psychotherapy shall, at a minimum, consist of one hour per week over a period of 52
10 weeks after which it may continue or terminate upon the written recommendation of the therapist
11 with approval by the Board or its designee. The Board or its designee may order a re-evaluation
12 upon receipt of the therapist's recommendation.

13 Respondent shall execute a release authorizing the therapist to provide to
14 the Board or its designee any information the Board deems appropriate, including quarterly
15 reports of respondent's therapeutic progress. It shall be respondent's responsibility to assure that
16 the required quarterly reports are filed by the therapist in a timely manner. If the therapist
17 notifies the Board that the therapist believes the respondent cannot continue to safely render
18 psychological services, respondent shall immediately cease accepting new patients and, in
19 accordance with professional standards, shall appropriately refer/terminate existing patients
20 within 30 days and shall not resume practice until a Board-appointed evaluator determines that
21 respondent is again safe to practice. During this period of non-practice, probation shall be tolled
22 and will not commence again until the period of non-practice is completed.

23 If, prior to the termination of probation, respondent is found not to be
24 mentally fit to resume the practice of psychology without restrictions, the Board shall retain
25 continuing jurisdiction over the respondent's license and the period of probation shall be
26 extended until the Board or its designee determines that the respondent is mentally fit to resume
27 the practice of psychology without restrictions.

28 Cost of psychotherapy is to be paid by the respondent.

1 **F. ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM**

2 Effective 30 days from the date of this Decision, respondent shall enter an
3 inpatient or outpatient alcohol or other drug abuse recovery program (a minimum of six (6)
4 months duration) or an equivalent program as approved by the Board or its designee.
5 Respondent shall provide the Board or its designee with proof that the approved program was
6 successfully completed. Terminating the program without permission or being expelled for
7 cause shall constitute a violation of probation by respondent. All costs associated with the
8 program shall be paid by respondent.

9 However, if respondent has already attended such an inpatient or
10 outpatient alcohol or other drug abuse recovery program, as described above, commencing with
11 the current period of sobriety, respondent shall provide the Board or its designee with proof that
12 the program was successfully completed and this shall suffice to comply with this term of
13 probation.

14 **G. ONGOING TREATMENT PROGRAM**

15 Respondent shall participate in on-going treatment and/or out-patient
16 treatment such as receiving individual and/or group therapy from a psychologist trained in
17 alcohol and drug abuse treatment; and/or attend Twelve Step meetings or the equivalent as
18 approved by the Board or its designee at least once a week during the first year of probation.
19 Respondent shall provide documentation of attendance at Twelve Step meetings or the equivalent
20 on a quarterly basis to the Board or its designee. All expenses associated with the treatment shall
21 be paid by respondent.

22 **H. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO**
23 **TESTS AND SAMPLES**

24 Respondent shall abstain completely from the personal use or possession
25 of controlled substances as defined in the California Uniform Controlled Substances Act, and
26 dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs
27 requiring a prescription unless respondent provides the Board or its designee with documentation
28 from the treating physician and surgeon that the prescription was legitimately issued and is a

1 necessary part of the treatment of respondent. Respondent shall abstain completely from the use
2 of alcoholic beverages. Respondent shall undergo random, biological fluid testing as determined
3 by the Board or its designee. Any confirmed positive finding will be considered a violation of
4 probation. Respondent shall pay all costs associated with such testing. The length of time and
5 frequency of this testing condition will be determined by the Board or its designee.

6 Orders forbidding respondent from personal use or possession of
7 controlled substances or dangerous drugs do not apply to medications lawfully prescribed to
8 respondent for a bona fide illness or condition by a physician and surgeon. Respondent shall
9 provide the Board or its designee with written documentation from the treating physician and
10 surgeon who prescribed medication(s).

11 **STANDARD TERMS AND CONDITIONS**

12 **I. ETHICS COURSE**

13 Within 90 days of the effective date of this Decision, respondent shall
14 submit to the Board or its designee for prior approval a course in laws and ethics as they relate to
15 the practice of psychology. Said course must be successfully completed at an accredited
16 educational institution or through a provider approved by the Board's accreditation agency for
17 continuing education credit. Said course must be taken and completed within one year from the
18 effective date of this Decision. The cost associated with the law and ethics course shall be paid
19 by the respondent.

20 **J. INVESTIGATION/ENFORCEMENT COST RECOVERY**

21 Respondent shall pay to the Board its costs of investigation and
22 enforcement in the amount of eight thousand five hundred dollars (\$8500.00) within the first year
23 of probation. Such costs shall be payable to the Board of Psychology and are to be paid
24 regardless of whether the probation is tolled. Failure to pay such costs shall be considered a
25 violation of probation.

26 The filing of bankruptcy by respondent shall not relieve respondent of
27 the responsibility to repay investigation and enforcement costs.

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1 **K. PROBATION COSTS**

2 Respondent shall pay the costs associated with probation monitoring each
3 and every year of probation. Such costs shall be payable to the Board of Psychology at the end of
4 each fiscal year (June 30). Failure to pay such costs shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of the
6 responsibility to repay probation monitoring costs.

7 **L. OBEY ALL LAWS**

8 Respondent shall obey all federal, state, and local laws and all regulations
9 governing the practice of psychology in California including the ethical guidelines of the
10 American Psychological Association. A full and detailed account of any and all violations of law
11 shall be reported by the respondent to the Board or its designee in writing within seventy-two
12 (72) hours of occurrence.

13 **M. QUARTERLY REPORTS**

14 Respondent shall submit quarterly declarations under penalty of perjury on
15 forms provided by the Board or its designee, stating whether there has been compliance with all
16 the conditions of probation. Quarterly reports attesting to non-practice status are to be submitted
17 if probation is tolled.

18 **N. PROBATION COMPLIANCE**

19 Respondent shall comply with the Board's probation program and shall,
20 upon reasonable notice, report to the Board of Psychology probation monitor. Respondent shall
21 contact the assigned probation monitor regarding any questions specific to the probation order.
22 Respondent shall not have any unsolicited or unapproved contact with 1) complainants
23 associated with the case; 2) Board members or members of its staff; or 3) persons serving the
24 Board as expert evaluators.

25 **O. INTERVIEW WITH BOARD OR ITS DESIGNEE**

26 Respondent shall appear in person for interviews with the Board or its
27 designee upon request at various intervals and with reasonable notice.

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1 **P. CHANGES OF EMPLOYMENT**

2 Respondent shall notify the Board in writing, through the assigned
3 probation monitor, of any and all changes of employment, location, and address within 30 days
4 of such change.

5 **Q. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
6 **IN-STATE NON-PRACTICE**

7 In the event respondent should leave California to reside or to practice
8 outside the State, or for any reason should respondent stop practicing psychology in California,
9 respondent shall notify the Board or its designee in writing within ten days of the dates of
10 departure and return or the dates of non-practice within California. Non-practice is defined as
11 any period of time exceeding thirty days in which respondent is not engaging in any activities
12 defined in Sections 2902 and 2903 of the Business and Professions Code. During periods of
13 non-practice, the probationary period is tolled and respondent's license or registration shall be
14 placed on inactive status. The probationary period will not commence again until respondent
15 activates her license and resumes practicing psychology in the state of California. However, the
16 Board may require respondent to complete certain terms of probation that are not associated with
17 active practice and respondent will be required to pay cost recovery and restitution as ordered.

18 **R. EMPLOYMENT AND SUPERVISION OF TRAINEES**

19 If respondent is licensed as a psychologist, she shall not employ or
20 supervise or apply to employ or supervise psychological assistants, interns or trainees during the
21 course of this probation. Any such supervisorial relationship in existence on the effective date of
22 this probation shall be terminated by respondent and/or the Board.

23 **S. FUTURE REGISTRATION OR LICENSURE**

24 If respondent is registered as a psychological assistant or registered
25 psychologist and subsequently obtains other psychological assistant or registered psychologist
26 registrations or becomes licensed as a psychologist during the course of this probationary order,
27 this Decision shall remain in full force and effect until the probationary period is successfully

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terminated. Future registrations or licensure shall not be approved, however, until respondent is currently in compliance with all of the terms and conditions of probation.

T. VIOLATION OF PROBATION

If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

U. COMPLETION OF PROBATION

Upon successful completion of probation, respondent's license shall be fully restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Hal B. Channell, Esq. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Psychologist's License No. PSY 12107, and agree to be bound thereby. I enter this Stipulation freely, knowingly, intelligently, and voluntarily.

DATED: March 9th, 2005

Tracie L. Moore, Ph.D.
TRACIE L. MOORE, Ph.D.
Respondent

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Tracie L. Moore, Ph.D.

DATED: March 9, 2005

Hal B. Channell
HAL B. CHANNELL, Esq.
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology, Department of Consumer Affairs, State of California.

DATED: March 15, 2005

BILL LOCKYER, Attorney General
of the State of California

Brenda P. Reyes
BRENDA P. REYES
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2004401063
40045386.wpd

Exhibit A

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 BRENDA P. REYES, State Bar No. 129718
Deputy Attorney General
4 California Department of Justice
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Telephone: (415) 703-5541
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

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10 **BEFORE THE**
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14 **TRACIE L. MOORE, Ph. D.**
15 **Post Office Box 4601**
16 **Sonora, California 95370**

16 Psychologist's License No. PSY 12107

17 Respondent.

Case No. W 280

OAH No. N2005010680

AMENDED ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

21 1. Thomas O'Connor (Complainant) brings this Amended Accusation solely in his
22 official capacity as the Executive Officer of the California Board of Psychology, Department of
23 Consumer Affairs, State of California (Board).

24 2. On or about March 4, 1991, Psychologist's License No. PSY 12107 was issued by
25 the Board to Tracie L. Moore, Ph.D. (Respondent), and at all times relevant to the charges brought
26 herein, this license has been in full force and effect. The license expired on January 31, 2005,
27 and has not been renewed. There is no Board record of prior disciplinary action against this license.

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JURISDICTION

3. Business and Professions Code section 2960¹ provides, in pertinent part, that the Board "may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

"(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

"(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public."

4. Section 2963 provides that:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions and duties of a psychologist or psychological assistant is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

COST RECOVERY

5. Section 125.3(a) provides that "[e]xcept as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the [California Department of Consumer Affairs] . . . , the board may request the administrative law judge to

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¹ All statutory references are to the Business and Professions Code unless otherwise indicated.

1 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
2 sum not to exceed the reasonable costs of the investigation and enforcement of the case.”

3 6. Section 2964.6 provides that “[a]n administrative disciplinary decision that
4 imposes terms of probation may include, among other things, a requirement that the licensee who
5 is being placed on probation pay the monetary costs associated with monitoring the probation.”

6 **FACTS**

7 7. In or about 2001, respondent practiced in San Francisco, California in an office
8 suite shared by several other practitioners, including D.D.,² a licensed psychologist. D.D.
9 observed that on several occasions respondent arrived at work smelling of alcohol. Also, on
10 numerous occasions, respondent failed to arrive for appointments with patients, who complained
11 to D.D. as her office was located next to a common waiting area. In or about September 2001,
12 D.D. approached respondent about her concern that as a psychologist, it was unethical for
13 respondent to practice when she had been drinking and she suggested that respondent enter a
14 treatment program. D.D. offered to help respondent find such a program. Respondent told D.D.
15 that she would take care of it. D.D. advised respondent that if there was another incident of
16 respondent arriving to work while intoxicated, D.D. would be required to report respondent’s
17 behavior to the Board of Psychology.

18 8. Following the conversation in or about September 2001, D.D. continued to be
19 confronted by patients advising D.D. that respondent had failed to arrive for their appointments.
20 In particular, on November 19, 2001, D.D. was approached by an individual who advised her that
21 respondent was 45 minutes late for their scheduled appointment. After another 45 minutes,
22 respondent arrived and D.D. noted that she smelled strongly of alcohol, that she was unable to
23 walk in a straight line, that her hand was shaking uncontrollably, and that she had difficulty
24 getting her key into the door lock. Days later, D.D. filed a complaint with the Board regarding
25 respondent’s conduct as described above.

26 9. On March 25, 2002, respondent was interviewed by an investigator for the Board
27 regarding the allegations that she was appearing at work smelling of alcohol and missing or

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² Initials are used to maintain the privacy of the complaining witness and will be disclosed
to respondent upon a request for discovery.

1 arriving late for appointments with patients. Respondent initially denied that she drank alcohol,
2 but later during the interview she stated that she last drank alcohol approximately one year prior,
3 then even later stated that she last drank alcohol six months prior to the interview.

4 10. On or about November 5, 2003, a misdemeanor complaint was filed against
5 respondent in *People v. Tracie Louise Moore*, San Joaquin County Superior Court No.
6 TM104955A. The Complaint alleged that on or about October 26, 2003, respondent did drive a
7 vehicle while under the influence of alcohol in violation of Vehicle Code section 23152(a)
8 (Count 1); and, that she did drive a vehicle while having 0.08 percent and more, by weight, of
9 alcohol in her blood in violation of Vehicle Code section 23152(b) (Count 2).

10 11. On or about February 10, 2004, respondent entered a plea of nolo contendere to
11 Count 2 of the Complaint in Case No. TM104955A, and she was convicted on that date of a
12 violation of Vehicle Code section 23152(b). Respondent was sentenced to, among other terms, a
13 five-day jail term; three years probation; she was ordered to enroll in a county approved alcohol
14 program; her driving privileges were restricted for three months; and, she has been ordered to
15 submit to drug or alcohol testing as directed by a probation office or peace officer.

16 12. On or about May 6, 2004, a misdemeanor complaint was filed against respondent
17 in *People v. Tracie Louise Moore*, Merced County Superior Court Case No. MM196339. The
18 Complaint alleged that on or about March 25, 2004, respondent did drive a vehicle while under
19 the influence of alcohol in violation of Vehicle Code section 23152(a) (Count 1); and, that she
20 did drive a vehicle having 0.08 percent or more, by weight, of alcohol in her blood in violation of
21 Vehicle Code section 23192(b) (Count 2). Counts 1 and 2 further alleged as enhancements that
22 at the time of the alleged violation, respondent had a concentration of alcohol in her blood of
23 0.20 percent or more by weight; and, that within seven years of the commission of the alleged
24 offense, respondent had committed a like offense which resulted in a conviction. Further, the
25 Complaint alleged that respondent did drive with knowledge that her driving privileges were
26 suspended or revoked in violation of Vehicle Code section 14601.5(a) (Count 3). The matter is
27 pending in the Merced County Superior Court.

28 ///

1 13. On or about October 20, 2004, respondent entered a plea of guilty to Count 2 of the
2 Complaint in Case No. MM196339, and she was convicted on that date of a violation of Vehicle
3 Code section 23152(b). Respondent was sentenced to, among other terms, a 60-day jail term; five
4 years probation; she was ordered to enroll in a Level II Alcohol Program; she was ordered to
5 abstain totally from the use of intoxicating beverages and to submit to chemical testing during
6 probation; and, her driving privileges were restricted for eighteen months.

7 **FIRST CAUSE FOR DISCIPLINE**
8 (Conviction of a Crime)

9 14. The Allegations contained in Paragraphs 7 through 13, above, are incorporated
10 herein by reference as if fully set forth.

11 15. The convictions set forth herein above in *People v. Tracie Louise Moore*, San
12 Joaquin County Superior Court No. TM104955A, and Merced County Superior Court No. MM
13 196339, are offenses substantially related to the qualifications, functions or duties of a
14 psychologist. Therefore, cause for discipline exists under Business and Professions Code
15 section 2960(a).

16 **SECOND CAUSE FOR DISCIPLINE**
17 (Misuse of Alcohol)

18 16. The Allegations contained in Paragraphs 7 through 13, above, are incorporated
19 herein by reference as if fully set forth.

20 17. Respondent is therefore subject to discipline under Business and Professions Code
21 section 2960(b) for unprofessional conduct in that respondent has used alcoholic beverages to an
22 extent or in a manner dangerous to herself, any other person, or the public; and/or to an extent that
23 this use impairs her ability to perform the work of a psychologist with safety to the public.

24 **PRAYER**

25 WHEREFORE, complainant requests that a hearing be held on the matters alleged above,
26 and that following the hearing, the Board issue a decision:

27 1. Revoking or suspending Psychologist's License No. PSY 12107, heretofore issued to
28 respondent Tracie Louise Moore, Ph.D.;

2. Ordering respondent to pay to the Board the actual and reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring; and

3. Taking such other and further action as the Board deems necessary and proper.

DATED: February 24, 2005.

Thomas O'Connor

THOMAS O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

Complainant

sf40050708

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
against:

Tracie L. Moore, Ph.D.

No.: W280

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Tracie L. Moore, Ph.D.
P.O. Box 4601
Sonora, CA 95370-1601


7003 2260 0007 4804 9309

Hal B. Channell, Esq.
Attorney for Respondent
77 Linoberg Street
Sonora, CA 95370

Brenda P. Reyes
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

Each said envelope was then on, April 12, 2005, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, April 12, 2005, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Marsha Guzzi
Enforcement Analyst